

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHERYL A. LONG

Plaintiff

v.

MICHAEL J. ASTRUE,
Commissioner of the
Social Security Administration,
Defendant

CIVIL ACTION

NO. 08-5433

ORDER

AND NOW, this 18 day of November, 2009, after careful review and independent consideration of Plaintiff's request for review, Defendant's response thereto, Plaintiff's reply, and review of the Report and Recommendation of Carol Sandra Moore Wells, United States Magistrate Judge, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The Plaintiff's Request for Review is **GRANTED** in part and **DENIED** in part; and
3. The case is **REMANDED** to the Commissioner of the Social Security Administration so that the Administrative Law Judge ("ALJ") can conduct additional proceedings consistent with the Report and Recommendation. Specifically, upon remand, the ALJ shall: (a) re-evaluate Plaintiff's residual functional capacity, taking into account: (i) Plaintiff's actual, worsening response to her back pain medication, (ii) Dr. Eric C. Holm's actual, supporting, longitudinal, clinical signs and findings, (iii) Plaintiff's bilateral carpal tunnel syndrome; and (iv) all of Plaintiff's impairments that are supported by the record;¹ (b) re-evaluate Plaintiff's credibility: (i) taking into account Plaintiff's actual, worsening response to her back pain medication, and all of Plaintiff's statements in Exhibit 1E; (ii) all of Plaintiff's impairments that are supported by the record;² and (iii) eliminating his subjective, inappropriate opinion concerning whether Plaintiff ought to have carpal tunnel syndrome surgery and not relying upon Dr. Leon H. Venier's August 3, 2006 letter to discredit Plaintiff.

It is so **ORDERED**.

BY THE COURT:



EDUARDO C. ROBRENO, J.

¹The court notes that the ALJ failed to expressly address Plaintiff's obesity. See R. 235, 271. Social Security Ruling 02-1p requires an ALJ to consider a claimant's obesity at every step of the sequential evaluation process. The ALJ also failed to consider Plaintiff's depression throughout the sequential evaluation process as required by 20 C.F.R. § 404.1523. These analytical errors, not raised by Plaintiff, should be corrected upon remand.

²See *supra* n. 1.